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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,271	03/22/2004	Oliver Hurst-Hiller	MSFT-2826/306403.01	1946
41505	7590	06/02/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			FERNANDEZ RIVAS, OMAR F	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,271

Applicant(s)

HURST-HILLER ET AL.

Examiner

Omar F. Fernández Rivas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date A1, A2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-26 are pending on this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Biebesheimer et al. (US Patent Application Publication #2002/0152190, referred to as **Biebesheimer**).

#### **Claims 1, 10 and 25**

Biebesheimer anticipates a method for obtaining predicted user satisfaction data regarding the performance of a search mechanism which provides search results in response to user queries (**Biebesheimer**: abstract, L1-26; obtaining a response set based on relevancy to the user's query is obtaining predicted user satisfaction data), comprising: storing at least one predictive pattern for predicting user satisfaction with said provided search results from data regarding user behavior in response to a query (**Biebesheimer**: abstract, L17-26; page 2, par 19, L6-12; page 3, par 32, L7-26; pages 5 and 6 pars 41-44; Fig. 1; storing user interactions (predictive patterns) to select a response set (predicting user satisfaction) based on the user's query) and applying said

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predictive pattern to at least one element of context-based user behavior data, said elements of context-based user behavior data comprising a performed query; provided search results; and user behavior data (**Biebesheimer**: abstract, L17-26; page 3, par 30, L1-14; pages 5 and 6 pars 41-44; the Adaptive Indexing algorithm).

#### **Claims 2 and 11**

Biebesheimer anticipates storing at least one predictive pattern comprises utilizing data mining techniques to determine at least one predictive pattern for user satisfaction (**Biebesheimer**: page 5, par 43-44; supervised learning is a data mining technique).

#### **Claims 3 and 12**

Biebesheimer anticipates said user behavior data comprises explicit user feedback data collected from said user contemporaneously with said performed query (**Biebesheimer**: page 6, par 49; page 7, par 64, L1-12; page 8, pars 66-67; obtaining data from the user defining the query is explicit user feedback as defined in page 2, par 17 of the present application).

#### **Claims 4 and 13**

Biebesheimer anticipates said user behavior data comprises implicit user feedback data (**Biebesheimer**: page 2, par 19, L6-22; page 5, par 41, L7-25; page 6, par 50; user interactions is user behavior data; the selections made by the user are implicit feedback as defined in page 2, par 17 of the present application).

#### **Claims 5 and 14**

Biebesheimer anticipates said user behavior data is selected from the group comprising: user navigation to a new page using a hyperlink; user navigation to a new page using a history list; user navigation to a new page using an address bar; user navigation to a new page using a favorites list; user scrolling behavior; user document printing behavior; user adding a document to said favorites list; user switching focus to a different application; user switching focus back from a different application; user closing a window; user dwell time behavior; user initiation of a new query; sequences of user behaviors; and user inactivity without switching focus from a window relating to said performed query (**Biebesheimer**: page 3, par 30; page 3, par 32; page 5, par 41, L7-17; redefining a query is initiating a new query, user interactions is a sequence of user behavior).

#### **Claims 6 and 15**

Biebesheimer anticipates said application of said predictive pattern yields predicted user satisfaction data regarding said search mechanism (**Biebesheimer**: page 2, par 19; page 4, par 37; the Adaptive Indexing algorithm applies the predictive pattern. Maximizing the number of successful retrievals by improving the resource indexing functions is yielding predicted user satisfaction data regarding the search mechanism), and where said method further comprises: displaying said predicted user satisfaction data (**Biebesheimer**: page 6, par 49; page 9, par 73; the response set is predicted user satisfaction data).

**Claims 7 and 16**

Biebesheimer anticipates said application of said predictive pattern further comprises isolating a set of said performed queries which are unsatisfactory and which share a common characteristic (**Biebesheimer**: page 3, par 30, L19-28; page 7, par 59-60; page 8, par 70; the exclusionary filters isolate unsatisfactory search queries).

**Claims 8 and 17**

Biebesheimer anticipates said context-based user behavior data comprises a testing set of context-based user behavior data (**Biebesheimer**: page 3, par 33, L1-14; the minimal user context vector is a testing set of context based user behavior).

**Claim 9**

Biebesheimer anticipates at least one of an operating system, a computer readable medium having stored thereon a plurality of computer-executable instructions, a co-processing device, a computing device, and a modulated data signal carrying computer executable instructions for performing the method of claim 1 (**Biebesheimer**: page 13, claim 20).

**Claims 18 and 22**

Biebesheimer anticipates a method for real-time optimization of a search mechanism which provides search results in response to user queries (**Biebesheimer**: page 4, par 37; Fig. 1; improving the set of resource indexing functions is optimizing the search mechanism), comprising: storing at least one predictive pattern for predicting user satisfaction with a said provided search results from data regarding user behavior in response to a query (**Biebesheimer**: abstract, L17-26; page 2, par 19, L6-12; page 3,

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par 32, L7-26; pages 5 and 6 pars 41-44; Fig. 1; storing user interactions (predictive patterns) to select a response set (predicting user satisfaction) based on the user's query); applying said predictive pattern to at least one element of context-based user behavior data, said elements of context-based user behavior data comprising a performed query; provided search results; and user behavior data (**Biebesheimer**: abstract, L17-26; page 3, par 30, L1-14; pages 5 and 6 pars 41-44; the Adaptive Indexing algorithm); modifying said search mechanism based on the result of said application of said predictive pattern (**Biebesheimer**: page 2, par 19; page 4, par 37; Fig. 1; modifying the resource indexing functions based on the processing of the user query against the resource library, user interaction records (predictive pattern) and the resource indexing functions).

**Claims 19 and 23**

Biebesheimer anticipates said modification of said search mechanism comprises modifying said search mechanism so said search results for a given query are presented in a different order (**Biebesheimer**: page 3, par 30, L1-23; page 6, pars 49-50; Fig. 1; displaying the results in the sequence specified by the user. The system retains adjustments to user results viewing behavior).

**Claims 20 and 24**

Biebesheimer anticipates said context-based user behavior data comprises a pre-judged set of user behavior data (**Biebesheimer**: page 3, par 33, L1-14; page 4, par 37; Fig. 1; the user interaction record for a user/group is a pre-judged set of user

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behavior data).

**Claim 21**

Biebesheimer anticipates at least one of an operating system, a computer readable medium having stored thereon a plurality of computer-executable instructions, a co-processing device, a computing device, and a modulated data signal carrying computer executable instructions for performing the method of claim 18 (**Biebesheimer**: page 13, claim 20).

**Claim 26**

Biebesheimer anticipates means for modifying said search mechanism based on the result of said application of said predictive pattern (**Biebesheimer**: page 2, par 19; page 4, par 37; Fig. 1; modifying the resource indexing functions based on the processing of the user query against the resource library, user interaction records (predictive pattern) and the resource indexing functions).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fries et al. US Patent #6,751,606

Tian US Patent Application Publication #2001/0039563

Hosken US Patent #6,438,579

4. Claims 1-26 are rejected.



***Correspondence Information***

5. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email [omar.fernandezrivas@uspto.gov](mailto:omar.fernandezrivas@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas  
Patent Examiner  
Artificial Intelligence Art Unit 2129  
United States Department of Commerce  
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Friday, May 26, 2006

*OFR*

*David Vincent* 5/29/06  
DAVID VINCENT  
SUPERVISORY PATENT EXAMINER